



General Assembly

Substitute Bill No. 6551

January Session, 2021



AN ACT CONCERNING ENVIRONMENTAL AIR QUALITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) There is established within
2 the Department of Energy and Environmental Protection a working
3 group to be known as the environmental equity working group. Such
4 working group, in consultation with the Department of Energy and
5 Environmental Protection, the Department of Public Health and the
6 Labor Department, shall establish criteria to identify disadvantaged
7 communities and identify such communities for the purpose of co-
8 pollutant reductions, greenhouse gas emissions reductions, regulatory
9 impact statements and the allocation of investments under section 22a-
10 200a of the general statutes.

11 (b) The environmental equity working group shall consist of the
12 following members:

13 (1) Five representatives of environmental equity communities,
14 appointed by the Commissioner of Energy and Environmental
15 Protection in accordance with subsection (e) of this subsection;

16 (2) Two representatives of the Environmental Justice Program within
17 the Department of Energy and Environmental Protection, appointed by
18 the Commissioner of Energy and Environmental Protection;

19 (3) Two representatives of the Department of Public Health,
20 appointed by the Commissioner of Public Health;

21 (4) Two representatives of the Department of Housing, appointed by
22 the Commissioner of Housing; and

23 (5) Two representatives of the Labor Department, appointed by the
24 Labor Commissioner.

25 (c) Initial appointments to the working group shall be made not later
26 than four months after the effective date of this section. Any vacancy
27 shall be filled by the appointing authority.

28 (d) The Commissioner of Energy and Environmental Protection shall
29 select the chairpersons of the working group from among the members
30 of the working group. Such chairpersons shall schedule the first meeting
31 of the working group, which shall be held not later than six months after
32 the effective date of this section.

33 (e) Environmental equity community representatives shall be
34 members of communities of color, low-income communities and
35 communities bearing disproportionate pollution and climate change
36 burdens, and may include representatives of community-based
37 organizations with experience and a history of advocacy on
38 environmental equity issues.

39 (f) In establishing the criteria pursuant to subsection (a) of this
40 section, disadvantaged communities shall be identified based on
41 geographic, public health, environmental hazard and socioeconomic
42 criteria that shall include, but not be limited to: (1) Areas burdened by
43 cumulative environmental pollution and other hazards that can lead to
44 negative public health effects; (2) areas with concentrations of people
45 that are of low income, high unemployment, high rent burden, low
46 levels of home ownership, low levels of educational attainment or
47 members of groups that have historically experienced discrimination on
48 the basis of race or ethnicity; and (3) areas vulnerable to the impacts of
49 climate change such as flooding, storm surges and urban heat island

50 effects.

51 (g) Before finalizing the criteria for identifying disadvantaged
52 communities and finalizing the identification of such communities
53 pursuant to subsection (a) of this section, which shall occur on or before
54 October 1, 2022, the Department of Energy and Environmental
55 Protection shall publish draft criteria and a draft list of disadvantaged
56 communities and make such information available on the department's
57 Internet web site. The working group shall hold not less than one public
58 hearing on the draft criteria and the draft list of disadvantaged
59 communities and shall allow at least forty-five days for the submission
60 of public comment.

61 (h) Such working group shall ensure that there are meaningful
62 opportunities for public comment for all segments of the population that
63 may be impacted by the criteria, including persons living in areas that
64 may be identified as disadvantaged communities under the proposed
65 criteria.

66 (i) The working group shall meet not less than annually to review the
67 criteria used to identify disadvantaged communities and may modify
68 such methods to incorporate new data and scientific findings. The
69 working group shall review such identified disadvantaged
70 communities and modify such designation as needed.

71 Sec. 2. Section 22a-20a of the general statutes is amended by adding
72 subsection (f) as follows (*Effective October 1, 2023*):

73 (NEW) (f) Notwithstanding any provision of the general statutes, if
74 the Department of Energy and Environmental Protection or the
75 Connecticut Siting Council, as applicable, determines that there are less
76 harmful alternatives compared to the applicant's proposed facility or
77 new or expanded permit, then the department or council, as applicable,
78 shall deny the subject application or permit, as received, but allow the
79 applicant to resubmit such application, if appropriate, with
80 modifications. Notwithstanding any provision of the general statutes, if

81 the department or council determines that, together with other
82 environmental or public health stressors affecting the environmental
83 justice community, the proposed facility or new or expanded permit
84 could cause or contribute to adverse cumulative environmental or
85 public health stressors in such community that are higher than those of
86 other communities in the state, on average, the department or council,
87 as applicable, shall deny the subject application or permit or place
88 conditions on the application or permit as necessary in order to avoid or
89 reduce such adverse environmental or public health stressors affecting
90 the environmental justice community. Notwithstanding any provision
91 of the general statutes, if the department or council, as applicable,
92 determines that a new facility or expansion or modification of an
93 existing facility will serve a compelling public interest in the affected
94 environmental justice community, the department or council, as
95 applicable, may approve such application or permit and impose
96 conditions on the construction and operation of the facility to protect the
97 public health and the environment. The department or council, as
98 applicable, shall publish any determination, pursuant to this subsection,
99 made regarding such department's or council's Internet web site, as
100 applicable.

101 Sec. 3. Subsection (a) of section 22a-200b of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective October*
103 *1, 2021*):

104 (a) The Commissioner of Energy and Environmental Protection shall,
105 with the advice and assistance of a nonprofit association organized to
106 provide scientific, technical, analytical and policy support to the air
107 quality and climate programs of northeastern states: (1) Not later than
108 December 1, 2009, publish an inventory of greenhouse gas emissions to
109 establish a baseline for such emissions for the state and publish a
110 summary of greenhouse gas emission reduction strategies on the
111 Department of Energy and Environmental Protection's Internet web
112 site, (2) not later than July 1, 2010, publish results of various modeling
113 scenarios concerning greenhouse gas emissions, including, but not

114 limited to, an evaluation of the potential economic and environmental
115 benefits and opportunities for economic growth based on such
116 scenarios, (3) not later than July 1, 2011, analyze greenhouse gas
117 emission reduction strategies and, after an opportunity for public
118 comment, make recommendations on which such strategies will achieve
119 the greenhouse gas emission levels specified in section 22a-200a, and (4)
120 not later than July 1, 2012, and every three years thereafter, develop,
121 with an opportunity for public comment, a schedule of recommended
122 regulatory actions by relevant agencies, policies and other actions
123 necessary to [show reasonable further progress towards achieving the
124 greenhouse gas emission levels specified in section 22a-200a] ensure
125 attainment of the state-wide greenhouse gas emission levels established
126 in section 22a-200a.

127 Sec. 4. (NEW) (*Effective July 1, 2021*) (a) For purposes of this section,
128 "qualified data center" means a facility that is developed, acquired,
129 constructed, rehabilitated, renovated, repaired or operated to house a
130 group of networked computer servers in one physical location or
131 multiple contiguous locations to centralize the storage, management
132 and dissemination of data and information pertaining to a particular
133 business or classification or body of knowledge.

134 (b) The owner or operator of any qualified data center who enters into
135 an agreement with the Commissioner of Economic and Community
136 Development on or after July 1, 2021, shall provide that every fossil fuel
137 burning emergency use generator used in connection with the operation
138 of such qualified data center, including any such generator used for
139 testing and maintenance, be of at least EPA Tier 2 standards and that
140 every fossil fuel burning nonemergency use generator used in
141 connection with the operation of such qualified data center: (1) Emit not
142 more than 0.72 g/KW-hr of nitrogen oxides and 0.036 g/KW-hr of
143 ammonia at all times, (2) exhaust from a stack that is greater than thirty-
144 four feet tall at all times, and (3) comply with applicable emissions
145 standards as set forth in 40 CFR 60, 40 CFR 63, and section 22a-174-1 of
146 the regulations of Connecticut state agencies at all times. Any exception

147 to the requirements of this section shall be approved by the
148 Commissioner of Energy and Environmental Protection.

149 (c) Not later than one hundred eighty days after commencement of
150 operations, the owner or operator of any qualified data center described
151 in subsection (b) of this section shall attain certification under one or
152 more of the following green building standards: (1) BREEAM for New
153 Construction or BREEAM In-Use; (2) ENERGY STAR; (3) Envision; (4)
154 ISO 50001-energy management; (5) LEED for Building Design and
155 Construction or LEED for Operations and Maintenance; (6) Green
156 Globes for New Construction or Green Globes for Existing Buildings; (7)
157 UL 3223; or (8) a program that is equivalent to those listed in
158 subdivisions (1) to (7), inclusive, of this subsection and that is approved
159 by the Commissioner of Economic and Community Development.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2023</i>	22a-20a
Sec. 3	<i>October 1, 2021</i>	22a-200b(a)
Sec. 4	<i>July 1, 2021</i>	New section

ENV Joint Favorable Subst.